

**WASHINGTON BOARD OF REGISTRATION FOR  
LANDSCAPE ARCHITECTS**

**AGENDA  
SPECIAL BOARD MEETING**

**DATE:** March 13, 2006

**TIME:** 9:30 a.m.

**LOCATION:** Department of Licensing  
2000 4<sup>th</sup> Ave W, Room 106  
Olympia Washington

**AGENDA:**

**OPEN SESSION**

**1. Call to Order 9:38**

1.1. Introduction of visitors

No visitors present

Bob Berger License number 122. He was asked to appear hear and explain the board of landscape architects and licensing of the landscape architects.

Brett Lorentson was introduced. He is the new Management Analyst with the Design Section.

1.2. Order of Agenda

1.2.1. Discussion on new agenda format

Will not have discussion on agenda format.

1.3. Approval of Minutes, November 17, 2005 Meeting

Add Approval of Action items

Prepare outline...will discuss in meeting today

CR 101 was filed

Governor office appt...in process

James Yap...draft is on today's agenda

Board to review exam and cost....ongoing Mr. Vincent gave an update.

CLARB exam administration...No they do not have to obtain council record...Complete

Sherry LA Newsletter...ongoing

Motion to accept minutes

Tom Sherry

James Yap seconded

**ACTION:** Provide Clyde Haase w/ 2006 calendar and name plate

**1.4. Review of Communications**

Mr. Vincent spoke to the board about the communications in the meeting packet. Needed to inform them that the board will not be changes any legislation

Mr. DeWald said that the boards responsibility is to serve that public and we are trying to get information out to our stakeholders to explain what we are doing as a board. Ms. DeWald spoke about the communications with WASLA. She tried to edit the letter to put it into to words that would better represent the board. Nothing has gone out to the stakeholders specifically spelling out what the board is doing. Communications need to be provided to stakeholders other than what is on the website, minutes, etc. We should draft a letter to send to them.

Mr. Vincent agreed and we should do that after discussing the practice and title act.

**2. Hearings/Rule Adoptions/BAP Appeals/Public Presentations**  
**No business**

**CLOSED / EXECUTIVE SESSION**

**3. Complaints / Investigations**  
No business

**4. Legal Issues and / or Deliberation**  
No business

**OPEN SESSION**

**5. Disciplinary & Investigation Items**  
5.1. Action on proposed Board Orders/Stipulations  
NO business

5.2. Action on complaints/investigations  
No business

5.3. Staff report on hearings schedule  
No business

**6. Assistant Attorney General's Report**

6.1. Review of Model Ethics Rules Memorandum  
Martha was not able to attend the board meeting. Mr. Vincent discussed the memorandum with the board. The memo was provided by Ms. Lantz. The ethics training in October. This action came out of the ethics training. The executive ethics board recommends passing of these rules. Has to do with behavior as a board member in many different situations. Model rules number 1 was reviewed by the board and it was determined that the board would not need to adopt this rule. Model rules #2 and #3 would be helpful to the board. Number two could just have the profession name changed. Anytime you see a conflict of interest, that's when these rules would help.

The examples for the Model rules were discussed by the board.

ACTION: The Board will draft specific examples as they pertain to the Landscape Architects and forward them to Mr. Vincent.

ACTION: Will take "owns a school construction business" from Model rules #2 and put "Landscape" in front of Architect for Model rule #3

MOTION: Tom Sherry moved to adopt model rules #2 and 3 with modifications.

There was not second

Entertain a revision?

Tom Sherry moved to accept the model rules #2 and 3 subject to approval of the second draft at our April meeting.

Clyde Haase seconded

MOTION PASSED. A vote was taken and all accepted.

ACTION: Board staff will prepare the draft to be sent for review at least two weeks prior to the next board meeting.

## **7. Committee Reports**

### **7.1. Practice Act Committee**

#### **7.1.1. Discussion of Draft Action Plan**

This discussion should be focused around the Motion that was made in the November meeting. The motion item was reviewed. Administer the law to give effect to 18.96.010. Ms. DeWald read the message that was taken to the Spring CLARB meeting.

Mr. Vincent reported to the Board that as part of his info gathering and determining the steps necessary in order to carry out the desire of the board he was initially steered toward the sunrise review process. This includes groups pursuing regulation and expansion in regulation through legislation this can be found in 18.118. The board discussed being able to accomplish this. The department is not interested in supporting rule development to regulate the practice of landscape architecture. Historically it has been administered as a title act. The question is why do we need this now? Is something broken? Mr. Vincent said that you can clarify in rule but you can't eliminate in rule. At this point, the department is not going to entertain regulating the practice.

Ms. DeWald asked is the absence of complaints, investigations, legal issues and deliberation would be compelling evidence.

Mr. Vincent explained that as the law is written the department feels that it is administering the law.

Mr. Berger said that the legislature use to meet every other year.

It was intro at every session of the legislature for prior 20 yrs as a practice bill. Always died in committee. The nurseries would support a title bill but not a practice bill. He was chair of WASLA and asked for their support and passing of a practice bill. It never got a vote and

died in legislation. Bruce Briggs spoke with committee members and presented the nursery industries position which was apposed to supporting a practice bill. Mr. Berger and another gentlemen lobbied and made presentations in Vancouver on the practice act. They did not support it at this time. A lobbyist was hired and was asked to garner as much support as he would for the bill. It would go as a title bill but the preferred position was a practice bill. The legislature added section 020. Any person to use or advertise la, architure, architectural, is unlawful. John Strander was the mayor of tukwila, wayne Johnson, dirk, bob ramsey, bill talley, chuck Bronson.

Ms. DeWald explained that the board looked closely at 010 and it is the first section that covers the broader aspect of the section.

Mr. Berger said that 020 is the problem.

Ms. DeWald explained that it was not represented that 010 lacks authority. If you're out doing residential work or work that is not exposed to the public, that isn't something that the law is set up to regulate. What needs to be regulated needs to be clearly defined. You can't clarify what is written in law by rule. Is this something that really needs to be regulated? We are looking more at the work than the practitioner. That's the direction the board is looking toward and is looking to further explore that with DOL unless there is a legal reason that limits us to do so. There is not a legal reason but we need to make sure that what we are doing is for the public good.

Mr. Haase spoke about his history in the profession and sees the changes as not really "changing" but interpreting the law for the times.

Mr. Berger said that it has always been a push to have the practice act to protect the health, safety and welfare of the public.

Chemical that pollute water

Designing structures that would collapse or fall

Designing ramps and stairs that are unsafe

Negotiated settlement was to include in 020 the unlawful acts using the titles of landscape architect, landscape architecture, landscape architectural.

Mr. Vincent said that it will be hard to overcome the history. Desire to bring clarity as to what the desire is to regulate. This group may not be the right place to make this happen. When that law passed it didn't do what it set out to do and until that changes....

Ms. DeWald asked how to address what's required in the URBP 18.235 which includes architects, landscape arch, etc. How do you resolve the requirement for uniformity.

Mr. Vincent – the URBP intent to consolidate uniform disciplinary procedures. Gave us the ability to deal with unlicensed practice or unauthorized use of the title.

Mr. Haase asked why we are asking to change this at this point. Is there anything that has come that makes us want to change it.

This is what the department is asking Mr. Vincent.

Mr. Berger told us that this conversation took place 38 years ago and he only knows of people having notices sent to them for using the title. However, he still supports the practice act to give maximum protection to the public.

Any compelling information from the outside in regards to evidence or complaints about landscape architects that are practicing without a license and have done something that caused or posed risk to the public would be accepted by the department as a reason for more regulation.

Mr. Berger...Action should be taken on people that advertise as landscape architects, landscape architectural or landscape architecture.

Mr. Vincent's feels that it is important that the board not send a letter to the stakeholders. If another association wants to gather information evidence than the board can get behind them and support that.

Ms. DeWald feels that because of the motion and communication at the board meetings we should send out communication to the stakeholders to inform them of what has been discussed. She feels that we should go above and beyond what we do for the public for the stakeholders, licensees.

Mr. Vincent suggested efforts to reach out to the public to educate them and let them know what we regulate, how we regulate and who. We can go down the road of educating and support board appearances at venues to inform the public.

The department has taken a firm position on this and feels that there is no compelling information for us to administer that law in any other way than it has been in the past.

ACTION: Ms. DeWald will draft an item for the stakeholders and send that to Mr. Vincent for review.

Mr Haase asked that the draft be as short and simple as possible. He also asked that the minutes show how we arrived at this decision.

Ms. DeWald asked if there is any motion to be recommended by the board

Mr. Haase asked for a break to draft a motion for the board. He would like to address it after the break.

Ms. DeWald called

MOTION: Mr. Sherry moved to communicate the outcome of the Board and DOL discussion regarding the Department of Licensing decision to continue it's current administration of the law as a title act.

Mr. Haase seconded

Discussion: Mr. Yap asked if we are talking about the title or overall.

Ms. DeWald explained that we are discussing the way that the law is administered by DOL.

Mr. Haase

Voted that we pass the motion.

MOTION PASSED.

Ms. DeWald thanked our guest for coming and bring a lot of valuable information to the meeting.

ACTION: Ms. DeWald volunteered to take on the task of drafting a letter for sending out to the stakeholders. She asked that Bob Berger email something to Ms. DeWald and Mr. Vincent regarding the history of the title and practice acts to be included.

Mr. Haase asked that a copy be brought forth to the board for review. He asked about WASLA will respond.

Mr. Sherry- this letter will tell them that if they want a new bill they will need to tell legislators why they want that.

ACTION: The Board members were asked by Mr. Vincent to review the Sunrise Review Process.

The first paragraph was reviewed.

#### 7.1.2. Work Session on rule amendments

ACTION: The draft of rules will be packaged as a proposal and sent out to the Board members by Board staff for review before the April meeting. Each Board member will need to review these rules and be prepared to give an approval or disapproval at the April board meeting.

WAC 308.13.015 #7 add "or unlicensed practice by non registrants per RCW 18.235.010 (7) (b)."

WAC 308.13.020 #1 replace "landscape architectural experience with "practical experience as described in section (2) of this section". Also add under #2 "A summary of the applicant's practical training and"

Mr. Yap created a draft of relevant work experience that was reviewed by the Board. This was created to rephrase some of the work experience that already exists in the rules.

WAC 308.13.020 under #2 Practical Training (a) change to "Practical training necessary to qualify for licensure will be measured in months." (c) start with "Credit for practical training will be measured based on" and at the end of "decisions" add "as follows" and add #1 Full time credit #2 Part time credit and #3 is Project and self-employment credit.

Mr. Haase informed the board that he does not agree with people gaining their experience for licensure through being self-employed.

Mr. Vincent explained that there will be times when the board will look at approving someone who gained experience through an alternate path for example by being self-employed.

ACTION: Mr. Vincent will email to the Board members the draft of proposed changes to the WACs.

WAC 308.13.024 (1) all becomes one because (a) has been moved and (c) and (d) have been taken out. A new (a) will be added to read "A transcript..." (b) "an application based on practical training as outlined in WAC 308.13.020."

ACTION: The Board will include in the next newsletter that we are saving applicants \$145 by giving the exam instead of CLARB administering their exams.

WAC 308.13.100 had some adjustments.

Mr. Haase recommended that Mr. Vincent review the section about fees.

Ms. DeWald asked that we don't put unnecessary tabs on the agenda.

## **8. Board Executive's Report**

### 8.1. Board Operations

#### 8.1.1. Statistics

Tabled

### 8.2. Administrative Matters/Legislation

#### 8.2.1. Board staffing changes

Tabled

### 8.3. Business and Professions Division

Tabled to the next meeting

### 8.4. Department of Licensing

Tabled

### 8.5. Financial Report

Tabled

### 8.6. Board / Staff Travel

#### 8.6.1. Pending requests

Tabled

### 8.7. Review of applications approved for licensure

Tabled

### 8.8. Other items

Tabled

**9. Old Business**

9.1. CLARB Examination Administration  
Tabled

9.2. Newsletter  
Tabled

9.3. Report on Governor's Conference for Board's and Commissions  
Tabled

**10. New Business**

10.1. CLARB Spring Meeting Report, February 24-25, 2006, St. Louis Missouri  
Tabled

**11. Other Business**

11.1. Action items from this meeting

11.2. Agenda items for next meeting

11.3. Any other business

**12. Adjournment**

**Mr. Sherry moved that we adjourn the meeting**

**Mr. Haase seconded**

**Meeting was adjourned by Ms. DeWald at 2:56 pm.**